

**DECLARATION BY LAW ENFORCEMENT OFFICERS, AND CITIZENS OF
LEWISTOWN AND FERGUS COUNTY WHO ARE OPPOSED
TO PASSAGE OF HB 228**

TO: SENATE JUDICIARY MEMBERS

**FROM: CITIZENS AND LAW ENFORCEMENT OFFICERS ROUNDUP
AND MUSSELSHELL COUNTY, MONTANA**

RE: OPPOSITION TO HB 228

Dear Senators:

The undersigned individuals, who are citizens and law enforcement officers in Central Montana strongly oppose passage of HB 228, which is entitled, "An Act Preserving and Clarifying Law Relating to the Right of Self-Defense and the Right to Bear Arms". We oppose the bill for many reasons, a few of which we note as follows:

We believe this law is a BAD IDEA, and will place law enforcement officers and citizens in unnecessary risk of death or injury from persons bearing firearms.

The bill presumes to fix a problem that does not exist.

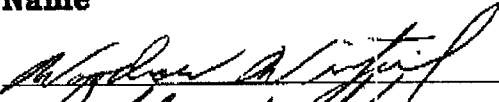

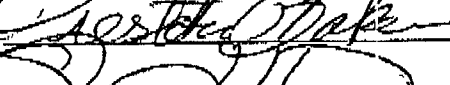


The bill sanctions the display or showing of a firearm for a "harmless defensive purpose". When is the showing or displaying of a firearm "harmless"? Such actions, or showing or displaying a firearm will tend to escalate confrontations.

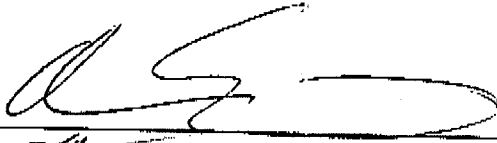
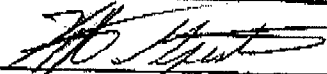


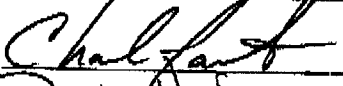
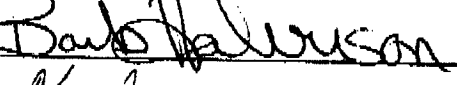
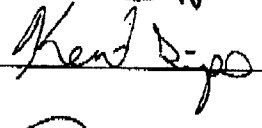
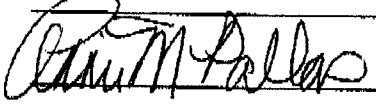
Thank you for your consideration of our comments:

CENTRAL MONTANA LAW ENFORCEMENT OFFICERS:

Name

Law Enforcement Job Position

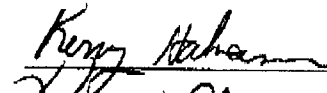
	Sheriff
	citizen
	Chief Deputy
	Deputy Sheriff -
	Undersheriff

	DEPUTY SHERIFF
	R-DEPUTY
	DEPUTY SHERIFF
	DEPUTY SHERIFF
	PROBATION & PAROLE
	Reserve Deputy
	Musselshell/Golden Valley County Attorney
	Volcan Valley Reserve Deputy

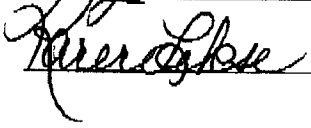
CENTRAL MONTANA CITIZENS:

Name:

City/Town of Residence



Boondup, MT



Boondup, MT

I write in opposition to House Bill 228. This bill's stated purpose is to codify the castle doctrine and clarify laws about self-defense. Unfortunately, it creates more questions than it clarifies and it might also rewrite the last thirty years of justifiable use of force law in Montana.

The First Section is titled the Purpose section. It accurately lists our constitutional rights but then under section(5) requires prosecutors to disprove self defense. It is unclear whether this provision as stated in the "Purpose Section" is intended to overturn the last thirty years of Montana criminal cases. Generally, a "Purpose" section of a bill does not contain substantive provisions of law. Additionally, if it is intended to change the current statutes on self defense then why does it not identify the affected statutes and specifically address the effect?

Section 3 Defensive display of firearm not offense. Theoretically, this is the main purpose of the bill. Currently, Montana law allows for the use of a firearm or display of a firearm as self defense. One of our legislators made a statement last week to the effect of "[w]hy do we need general statewide legislation when no state-wide problem exists" Applying the logic then "why do we need to rewrite our criminal self-defense statutes when no proponent has presented any case whatsoever where any one was wrongfully prosecuted under the current code?" Does this legislation solve a real problem?

Section 5. Firearms not to be destroyed. The intent of this section is unclear. Most firearms that come to the sheriff's office are either possessed by a convicted felon or the owner is subsequently convicted of a felony for using the firearm. Either way the sheriff usually knows who the owner is. So under the proposed language of this bill the firearm can be destroyed. What is the point of the law? Additionally, if it is the intent to prohibit the destruction of all firearms and require that they be resold, does that include broken, or defective arms? What of the Saturday night specials, gang weapons or junk?

Section 6 Landlords and tenants. Under this proposal, as a landlord or hotel owner you can not prohibit firearms on your property. I am not sure how often this comes up but the devil is in the collateral applications. Does this mean that the group-home here in Roundup can not prevent young adults from keeping a firearm in their rooms?

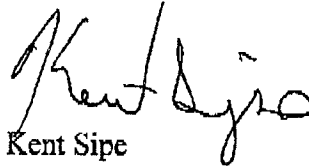
Section 8 Carrying concealed weapons. This proposed law would make a concealed weapon unlawful only if "using it to commit a criminal offense." The reality is that prosecutors are going to charge the felony that was committed with the weapon and not the misdemeanor concealed weapon violation. Because of that, this provision becomes essentially meaningless. Also, Proponents say the permit process would still be there. If carrying a concealed weapon is not a crime then why would we need a permit. Does this statute amend the permit law? Is it intended to repeal the permit law? Additionally, our current concealed weapon statute prohibits felons from possessing a concealed weapon, despite what its authors say, this bill removes that

provision. It makes it only a crime if "using [the concealed weapon] to commit a criminal offense." Wouldn't it be better to keep concealed weapons out of the hands of violent felons before they commit another crime.

Ultimately, it is the Legislature's job to pass laws that are clear and easy to interpret. The law must be clear for people to understand but just as important is that the law be clear for law enforcement and the prosecutors to understand and enforce. All the "mights" and "maybes" will tie up courts and prosecutors for years to come, that maybe our job.

But keep in mind every case also has an accused person who's life is put on hold while the courts sort it out.

It is unfortunate that this bill has so many tangents, self interests and is so poorly drafted and convoluted that the substance of the bill gets lost. This exact bill was proposed in the last legislative session and was defeated because it was poorly drafted. Rather than redrafting and fixing the language the sponsor just resubmitted it this year. If Montana wishes to debate the issue of displaying a firearm as self defense, then by all means focus the debate on that important issue, but lets not convolute the issue with ambiguous provisions.

A handwritten signature in black ink, appearing to read "Kent Sipe".

Kent Sipe

Musselshell/Golden Valley County Attorney

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Thank you for your consideration of our comments:

CENTRAL MONTANA LAW ENFORCEMENT OFFICERS:

Name	Law Enforcement Job Position
	CHIEF OF POLICE, LEWISTOWN POLICE DEPT
	POLICE OFFICER, LEWISTOWN P.D.
	LT., LEWISTOWN POLICE DEPT
	Sergeant, Lewistown Police Department

**CENTRAL MONTANA LAW ENFORCEMENT OFFICERS IN
OPPOSITION TO HB 228:**

Name

Law Enforcement Job Position

[Signature] Assistant Chief of Police ^{Lewistown P.D.}

Robert F. Hartford School Resource Officer Lewistown P.D.

[Signature] Sgt Lewistown L P D

[Signature] Police Officer L P D

[Signature] Lieutenant Fergus County Sheriff's Dept.

[Signature] Sgt, Lewistown P.D.

[Signature] Police officer, Lewistown P.D.

[Signature] Police Officer, Lewistown P.D.

[Signature] Deputy Fergus County Sheriff's Dept

[Signature] Police Officer, Lewistown P.D.

[Signature] Captain, Lewistown P.D.

[Signature] Deputy Sheriff Fergus County Sheriff's Dept
LEWISTOWN PD

[Signature] DISPATCHER CT MT 911 DISPATCH CENTER

[Signature] Dispatcher Lewistown P.D.

[Signature] Dispatcher Lewistown P.D.

CENTRAL MONTANA CITIZENS IN OPPOSITION TO HB 228:

Name:

City/Town of Residence

Janice Huston

Lewistown, MT

Ann Klay

Lewistown, MT

Carle Samblom

Hobson, MT

Sonya Vaneck

Lewistown MT

Jim Vaneck

Lewistown MT

Lewistown MT

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